

In The Court Of Appeal Of The State Of California 113
Sixth Appellate District
San Jose, California

MONDAY, JULY 12, 1999

(No minute approved orders)

TUESDAY, JULY 13, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Premo, J., Elia, J.; and Nancy M. Olea, Deputy Clerk.

H018514 PEOPLE v. TOPPER

Cause called and argued by Karen Landau appearing for appellant and by John Renahan, Certified Law Student, (Linda Murphy, Deputy Attorney General) appearing for respondent. Cause ordered submitted.

H018087 PEOPLE v. VEAL

Cause called and argued by Donn Ginoza appearing for appellant and by Christopher Grove, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H019286 IN RE JEREMY L.; PEOPLE v JEREMY L.

Cause called and argued by Kathleen Nuova appearing for appellant and by Peter A. Sell, Certified Law Student (Linda Murphy, Deputy Attorney General) appearing for respondent. Cause ordered submitted.

H019262 CITY OF SAN JOSE v SANTA CLARA COUNTY SUPERIOR COURT;
SAN JOSE MERCURY NEWS, INC.

Cause called and argued by George Rios appearing for petitioner and by Edward Davis, Jr. appearing for real party in interest. Cause ordered submitted.

Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, July 13, 1999 (continued)

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P. J.; Premo, J.; Elia, J.; and Judy Son, Deputy Clerk.

H018176 PEOPLE v. PEREZ

Cause called and argued by Michael Kresser appearing for appellant and by Lisa Ashley, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018965 SURI v. FERNANDO

Cause called and argued by Anju Multani appearing for appellant and by Garrett Skelly appearing for respondent. Cause ordered submitted.

H017905 PEOPLE v. RUIZ

Cause called and argued by Geri Lynn Green appearing for appellant and by Aileen Bunney, Deputy Attorney General, appearing for respondents. Cause ordered submitted.

H018862 DUNNION v. FIRE INSURANCE EXCHANGE

Cause called and argued by Gerard A. Rose appearing for appellant and by Nina M. Patane appearing for respondents. Cause ordered submitted. Court is adjourned.

H018539 PEOPLE v. MICHAEL B., a Minor

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.)
Filed July 13, 1999

H018171 GALEB PAVING, INC., et al. v. CITY OF MORGAN HILL

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P. J., Premo, J.)
Filed July 13, 1999

WEDNESDAY, JULY 14, 1999

H019093 IN RE DEMETRIO M.; D.F.C.S. v. YVONNE M.

By the Court*:

Appellant's petition for rehearing is denied.

Dated: July 14, 1999 Wunderlich, Acting P.J.

*Before Wunderlich, J., Bamattre-Manoukian, Acting P. J. and
Mihara, J.

In The Court Of Appeal Of The State Of California 115
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THURSDAY, JULY 15, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Premo, J., Elia, J.; and Jane Varize, Deputy Clerk.

H016636 PEOPLE v. SHAFFER

Cause called and argued by Douglas S. Irwin appearing for appellant and by David D. Salmon, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H019136 In re MIRANDA M., et al., Minors

Cause called and argued by Lawrence Cottles appearing for appellant and by Teri L. Robinson, Deputy County Counsel, appearing for respondent and by Robert J. Masterson, Deputy District Attorney, appearing for respondent minor. Cause ordered submitted.

H017602 PEOPLE v. ILLIG

Cause called and argued by John Hardesty appearing for appellant and by Sharon Birenbaum, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017460 COMUNITY LENDING, INC. v. HARMS, et al.

Cause called and argued by Sally A. Williams appearing for appellant and by James M. Ingram appearing for respondent. Cause ordered submitted. Court is adjourned.

H017751 PEOPLE v. MORENO

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Mihara, J.)
Filed July 15, 1999

H018483 CATCH v. PHILLIPS

The judgment is affirmed. (partial publication)
(Elia, J.; We concur: Cottle, P. J., Premo, J.)
Filed July 15, 1999

Sixth Appellate District

San Jose, California

Thursday, July 15, 1999 (continued)

H017994 PEOPLE v. GILMORE

H018684 In re GILMORE on Habeas Corpus

The judgment is affirmed. However, because defendant has made a prima facie showing for relief, we hereby issue an order to show cause, returnable before the Superior Court of Santa Clara County, directing it to conduct further proceedings on the petition. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J., Mihara, J.)

Filed July 15, 1999

FRIDAY, JULY 16, 1999

H016423 PEOPLE v. WILLIAMS, et al.

The two-year gang enhancement (§ 186.22, subd. (b)(1)) associated with count 1 is stricken as to each defendant. In all other respects, the judgments are affirmed. (not published)

(Cottle, P. J.; We concur: Bamattre-Manoukian, J., Mihara, J.)

Filed July 16, 1999

H018914 PEOPLE v LOVEDAY

Defendant's sentence is modified to a term of 25 years to life on count 1 (Section 261, subd. (a)(2)), a concurrent term of 25 years to life on count 3 (Section 289, subd. (a)), consecutive to a determinate term of 20 years for the serious felony enhancements (Sections 667, subd. (a), (669)). In all other respects, the judgment is affirmed. The superior court is ordered to prepare an amended abstract of judgment and to forward it to the Department of Corrections. (not published)

(Cottle, P. J.; We concur: Premo, J., Elia, J.)

Filed July 16, 1999

H019029 PEOPLE v MELLINO

The judgment is affirmed. (not published)

(Cottle, P. J.; We concur: Premo, J., Elia, J.)

Filed July 16, 1999

H018987 PEOPLE v. PERALEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J., Mihara, J.)

Filed July 16, 1999

Sixth Appellate District

San Jose, California

Friday, July 16, 1999 (continued)

H017670 PEOPLE v. BELL

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P. J., Bamattre-
Manoukian, J.)
Filed July 16, 1999

H017222 PEOPLE v KEYES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed July 16, 1999

H017767 CALIFORNIA HOUSING SECURITIES, INC. v. KPMG PEAT MARWICK

The judgment is affirmed. (not published)
(Cottle, P. J.; We concur: Premo, J., Elia, J.)
Filed July 16, 1999

H018232 PEOPLE v. WITTER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed July 16, 1999

H017037 FOGARTY v. APPLIED VASCULAR DEVICES, INC.

The judgment is affirmed. Fogarty is to have costs on
appeal. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed July 16, 1999

H017469 PEOPLE v. FRASER

The judgment is affirmed and the petition for writ of habeas
corpus is denied. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed July 16, 1999